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February 16, 1960

H.B. DANIELS
I Concur
WADE CHURCH
I Concur
LES HARDY

Mr. R. A. Clelland  
Business Manager  
Arizona State Hospital  
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Sir:

This is in reply to your communication of February 9, 1960, relating to receipt and expenditure of federal money by the State Hospital Board for "building construction". The particular issue presented in your letter is this: Does the board have authority to receive and expend federal money for building construction? We think not.

We have assiduously scanned the provisions of Article 1, Chapter 2, Title 36, Arizona Revised Statutes, 1956, relating to the Arizona State Hospital. After such perusal, we are satisfied that there is neither an expressed or an implied authority granted to the board in those sections to accept, receive or expend any federal funds for any purpose.

Additionally, we reviewed the provisions of Chapter 27, Sess. Laws, 1959, in the hope of discovering authority to permit the board to receive federal funds. Here again, there is an obvious absence of express or implied grant of authority to the board to accept, receive or expend federal funds for hospital building purposes, or any purpose.

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May we suggest, therefore, that the board seek redress for such authority from the Legislature. This can readily be accomplished as was done under A.R.S. § 35-262 for the Tuberculosis Sanatorium. There express grant of power to receive and expend federal funds is granted.

We hope this information assists you in resolving your problem. If we can be of further service please advise us.

Respectfully yours,

WADE CHURCH  
The Attorney General

H. B. DANIELS  
Assistant Attorney General

HBD:bh

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